



**Request for City Council Committee Action
From the City Attorney's Office**

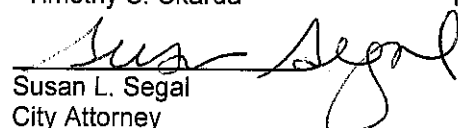
Date: June 4, 2014
To: Ways & Means/Budget Committee
Referral to:

Subject: *Brook Mallak v. Aitkin County, et al.*
United States District Court Civil File No. 13-cv-2119 (DWF/LIB)

Recommendation: That the City Council approve the settlement of this case by payment of \$4,500.00 payable to Brook Mallak and her attorneys, the Sapientia Law Firm, and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

Previous Directives:

Prepared by: Timothy S. Skarda Phone: (612) 673-2553

Approved by: 
Susan L. Segal
City Attorney

Presenter in Committee: Susan L. Segal, City Attorney

Financial Impact (Check those that apply)

- ☐ No financial impact (If checked, go directly to Background/Supporting Information).
☐ Action requires an appropriation increase to the ____ Capital Budget or ____ Operating Budget.
☐ Action provides increased revenue for appropriation increase.
☐ Action requires use of contingency or reserves.
☐ Business Plan: ____ Action is within the plan. ____ Action requires a change to plan.
☒ Other financial impact (Explain): Fund/Org. 6900 1500100 145400
☐ Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact

City Goal(s): A safe place to call home

Background/Supporting Information

This case asserts violations of the Driver's Privacy Protection Act ("DPPA") by various cities, counties and subdivisions of the state. A motion to dismiss was argued to Judge Donovan W. Frank. Multiple allegations and causes of action were dismissed, but allegations against the City of Minneapolis and others survived the motion. A settlement conference was held before Magistrate Judge Leo I. Brisbois on May 30, 2014, in Duluth where a tentative settlement was reached in the amount of \$4,500.00, including all claims for fees and costs. The settlement releases all claims against the City and all City employees who may have accessed Ms. Mallak's data. The settlement conference was attended by Assistant City Attorney Timothy Skarda, Commander Chris Granger and Council Member Lisa Goodman by phone. After evaluating the claims and defenses we believe that the proposed settlement is in the best interests of the City of Minneapolis and recommend approval by this Committee and the City Council.